

AMENDED IN ASSEMBLY FEBRUARY 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

Assembly Joint Resolution

No. 6

Introduced by Assembly Members Diaz and Liu
(Principal coauthors: Assembly Members Chan, Chu, Nakano, and Yee)

(Coauthors: Assembly Members Frommer, Hancock, Lieber, Maddox, Nunez, and Ridley-Thomas)
(Coauthors: Senators Bowen, Ducheny, Escutia, Romero, and Scott)

February 3, 2003

Assembly Joint Resolution No. 6—Relative to Korean immigrants.

LEGISLATIVE COUNSEL'S DIGEST

AJR 6, as amended, Diaz. Korean immigrants.

This measure would urge United States Attorney General John Ashcroft to suspend deportation proceedings against 275 South Korean immigrants who may have been victims of a corrupt former Immigration and Naturalization Service official and rogue immigration consultants until a fair process of review is conducted in each case and it is proven that there was actual fraud committed on the part of the immigrants. The measure would further urge the United States Attorney General and Secretary of the Department of Homeland Security Tom Ridge to implement measures to better police agents within the Immigration and Naturalization Service.

Fiscal committee: no.

- 1 WHEREAS, An admittedly corrupt Immigration and
- 2 Naturalization Service (INS) official, Leland Dwayne Sustaie,

1 and rogue immigration consultants fraudulently authorized
2 “official” green cards for 275 Korean immigrants over a period
3 of 12 years; and

4 WHEREAS, in 1998, Leland Sustaire, a former supervisor in
5 the San Jose office of the INS, turned himself in to federal
6 investigators, acknowledging that he had been paid at least
7 \$500,000 by immigration brokers to issue green cards to Korean
8 immigrants in California; and

9 WHEREAS, As a result of this fraudulent scheme, many of
10 these Korean immigrants are facing deportation hearings and
11 undue anxiety; after building their lives in California over several
12 years; and

13 WHEREAS, The INS is seeking to deport these Korean
14 immigrants, seemingly without taking into consideration the role
15 of the INS itself in the fraud; and

16 WHEREAS, Korean immigrants now threatened with
17 deportation include established professionals, such as, scientists,
18 doctors, Silicon Valley software engineers, and business owners,
19 many of whom have been in the country since the mid-1980s; and

20 WHEREAS, The San Jose Mercury News, the San Francisco
21 Chronicle, and the Los Angeles Times have recently published a
22 series of articles about one of the largest “green card” fraud
23 schemes in California history; and

24 WHEREAS, INS officials are demanding the Korean
25 immigrants’ official documents to prove their innocence, but
26 hundreds of those files were burned by Sustaire, the corrupt former
27 INS official; and

28 WHEREAS, The INS official who committed the fraud against
29 these immigrants made a plea bargain to avoid prosecution, but
30 only received a sentence of five years probation and a fine of
31 \$7,000; and

32 WHEREAS, The conduct of INS agents must be scrutinized
33 more closely as the INS is transferred to the Department of
34 Homeland Security (DHS) on March 1, 2003; and

35 WHEREAS, Fraudulent INS agents put into question the
36 integrity of the INS, and consequently that of the DHS which is
37 now responsible for the security of our Nation; and

38 WHEREAS, on January 22, 2003, United States
39 Representatives Mike Honda (D-San Jose) and Zoe Lofgren
40 (D-San Jose) sent a letter to United States Attorney General John

1 Ashcroft, demanding that the 275 Korean immigrants who may
2 have been victims of a corrupt former INS official be given fair,
3 case-by-case reviews before any deportation proceedings begin;
4 now, therefore, be it

5 *Resolved by the Assembly and Senate of the State of California,*
6 *jointly,* That the Legislature urges United States Attorney General
7 John Ashcroft to consider these concerns and to suspend
8 deportation proceedings against the 275 South Korean immigrants
9 until a fair process of review is conducted in each case and until
10 it is proven that there was actual fraud committed on the part of the
11 immigrants. The California Legislature further urges United
12 States Attorney General John Ashcroft and Secretary of the
13 Department of Homeland Security Tom Ridge to implement
14 measures to better police agents within the INS because the INS
15 is now charged to provide security to the American people; and be
16 it further

17 *Resolved,* That the Chief Clerk of the Assembly transmit copies
18 of this resolution to United States Attorney General John Ashcroft,
19 Secretary of the Department of Homeland Security Tom Ridge,
20 and to United States Representatives Mike Honda and Zoe
21 Lofgren.

